



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD BREUNINGER, et al,
:
Plaintiffs, :
:

- against -

T. EDWARD WILLIAMS, et al,
:
Defendants. :
:
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20-CV-7033 (JPC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Plaintiffs' letter motion at Dkt. 210 for a protective order to require that the depositions noticed by Defendant for mid-December be (1) rescheduled to a date and time that is mutually convenient for all, and (2) taken by remote means so that Plaintiffs and Plaintiffs' counsel need not travel to New York for a second time (the previous occasion having been for naught because Defendant cancelled the depositions). Having given due consideration to the parties' arguments and the relevant circumstances, the motion is granted in part and denied in part as follows:

(1) The parties shall meet and confer in good faith to reschedule the depositions for some time in January that is mutually convenient for all.

(2) Plaintiffs mistakenly invoke Local Rule 30.2 as support for their request that the depositions proceed remotely. As Defendant correctly notes (see Dkt. 216), the rule affords the party noticing the deposition the opportunity to conduct it remotely; it does not apply to the party to be deposed. That said, the Court has concern about the circumstances under which Plaintiff Breuninger and Mr. Levin previously flew to New York in September 2023 only to have Defendant cancel the deposition. Defendant asserts that

he provided advance notice to Plaintiffs. Neither party has provided relevant correspondence supporting their version of events. Accordingly, Defendant may proceed at his option to either (1) conduct the depositions remotely, or (2) require Plaintiffs to come to New York, in which case the parties will evenly share Mr. Breuninger's and Mr. Levin's reasonable cost for airfare and hotel (excluding meals) to attend the depositions.

The Clerk of Court is respectfully requested to terminate the letter motion at Dkt. 210.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: November 21, 2023
New York, New York

Copies transmitted this date to all counsel of record.